

National Park Service, Interior

§ 6.3

disposal site requires crossing federally-owned or controlled lands or waters.

(b) The regulations contained in this part govern:

(1) The use of solid waste disposal sites not in operation on September 1, 1984, including the approval of new solid waste disposal sites;

(2) The continued use or closure of solid waste disposal sites that were in operation on September 1, 1984;

(3) The continued use or closure of solid waste disposal sites on lands or waters added to the National Park System after January 23, 1995.

(c) Exceptions.

(1) The regulations contained in this part do not govern the disposal of residential or agricultural solid wastes in a site by a person who can show that he or she:

(i) Resides within the boundaries of the unit;

(ii) Generates the residential or agricultural solid waste within the boundaries of the unit;

(iii) Disposes of the solid waste only on lands that the person owns or leases within the unit;

(iv) Does not engage in a solid waste disposal practice that poses a reasonable probability of adverse effects on health or the environment, as described by the criteria in 40 CFR part 257, Criteria For Classification Of Solid Waste Disposal Facilities and Practices found at 40 CFR 257.3-1 to 257.3-8; and

(v) Is not required to possess a State or local permit or license for the disposal of solid waste.

(2) The exemption in paragraph (c)(1) of this section does not apply to agricultural solid waste consisting of a chemical used as a pesticide, an item used to apply, or a container used to store, a pesticide.

(3) Manure and crop residue returned to the soil as a fertilizer or soil conditioner are not solid wastes for purposes of this part, and do not require a request, environmental report, financial assurance or permit issued under this part.

(d) The conditions in § 6.4(a) govern the establishment of new, or the expansion of existing, solid waste disposal sites operated by the National Park Service. The conditions in § 6.5(c) gov-

ern the continued use of existing solid waste disposal sites operated by the National Park Service. However, the permit, financial assurance, administrative and penalty provisions of this part do not apply to any solid waste disposal site operated by the National Park Service.

§ 6.3 Definitions.

The following definitions apply to this part:

Agricultural solid waste means solid waste that is generated by the rearing or harvesting of animals, or the producing or harvesting of crops or trees.

Boundaries means the limits of lands or waters that constitute a unit of the National Park System as specified by Congress, denoted by Presidential Proclamation, recorded in the records of a State or political subdivision in accordance with applicable law, published pursuant to law, or otherwise published or posted by the National Park Service.

Closure and Post-closure care means all of the requirements prescribed by 40 CFR part 258, Criteria For Municipal Solid Waste Landfills at 40 CFR 258.60 and 258.61.

Compostible materials means organic substances that decay under natural and/or human-assisted conditions within relatively short time intervals, generally not in excess of ninety days.

Degrade means to lessen or diminish in quantity, quality or value.

Hazardous waste means a waste defined by 40 CFR part 261, Identification And Listing Of Hazardous Waste. Hazardous waste does not include any solid waste listed under 40 CFR 261.4(b).

Leachate means liquid that has percolated through solid waste and has extracted, dissolved or suspended materials in it.

Mining overburden means material overlying a mineral deposit that is removed to gain access to that deposit.

Mining wastes means residues that result from the extraction of raw materials from the earth.

National Park Service activities means operations conducted by the National Park Service or a National Park Service contractor, concessionaire or commercial use licensee.

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National Park System means any area of land or water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational or other purposes.

Natural resource means the components of a park, both biotic and abiotic, including but not limited to, vegetation, wildlife, fish, water, including surface and ground water, air, soils, geological features, including subsurface strata, the natural processes and interrelationships that perpetuate such resources, and attributes that contribute to visitor enjoyment.

Operator means a person conducting or proposing to conduct the disposal of solid waste.

PCBs or PCB item means an item as defined in 40 CFR part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution In Commerce, And Use Prohibitions at 40 CFR 761.3(x).

Residential solid waste means waste generated by the normal activities of a household, including, but not limited to, food waste, yard waste and ashes, but not including metal or plastic.

Solid waste means garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, and contained gaseous material resulting from industrial, commercial, mining and agricultural operations or from community activities. "Solid waste" does not include a material listed under 40 CFR 261.4(a).

Solid waste disposal site means land or water where deliberately discarded solid waste, as defined above, is discharged, deposited, injected, dumped, spilled, leaked, or placed so that such solid waste or a constituent thereof may enter the environment or be emitted into the air or discharged into waters, including ground waters. Solid waste disposal sites include facilities for the incineration of solid waste and transfer stations. Facilities for the management of compostible materials are not defined as solid waste disposal sites for the purposes of this part.

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§ 6.4 Solid waste disposal sites not in operation on September 1, 1984.

(a) No person may operate a solid waste disposal site within the boundaries of a National Park System unit that was not in operation on September 1, 1984, unless the operator has shown and the Regional Director finds that:

(1) The solid waste is generated solely from National Park Service activities conducted within the boundaries of that unit of the National Park System;

(2) There is no reasonable alternative site outside the boundaries of the unit suitable for solid waste disposal;

(3) The site will not degrade any of the natural or cultural resources of the unit;

(4) The site meets all other applicable Federal, State and local laws and regulations, including permitting requirements;

(5) The site conforms to all of the restrictions and criteria in 40 CFR 257.3-1 to 257.3-8, and 40 CFR part 258, subparts B, C, D, E and F;

(6) The site will not be used for the storage, handling, or disposal of a solid waste containing:

- (i) Hazardous waste;
- (ii) Municipal solid waste incinerator ash;
- (iii) Lead-acid batteries;
- (iv) Polychlorinated Biphenyls (PCBs) or a PCB Item;
- (v) A material registered as a pesticide by the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*);
- (vi) Sludge from a waste treatment plant, septic system waste, or domestic sewage;
- (vii) Petroleum, including used crankcase oil from a motor vehicle, or soil contaminated by such products;
- (viii) Non-sterilized medical waste;
- (ix) Radioactive materials; or
- (x) Tires;

(7) The site is located wholly on non-federal lands, except for NPS operated sites in units where nonfederal lands are unavailable, or unsuitable and there is no practicable alternative;

(8) The site is not located within the 500 year floodplain, or in a wetland;

(9) The site is not located within one mile of a National Park Service visitor